

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rukshana Parvin	Team: Squad #1	CCRB Case #: 201510571	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 12/09/2015 12:29 AM	Location of Incident: 135th Street subway station (2 and 3 lines)	Precinct: 32	18 Mo. SOL 6/9/2017	EO SOL 6/9/2017	
Date/Time CV Reported Tue, 12/15/2015 5:51 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 12/15/2015 5:51 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Maria Maldonado	30073	954089	TB DT03
2. POM Laurent Mede	06673	946653	TB DT03

Officer(s)	Allegation	Investigator Recommendation
A.POF Maria Maldonado	Abuse: Police Officer Maria Maldonado stopped § 87(2)(b)	
B.POM Laurent Mede	Abuse: Police Officer Laurent Mede interfered with § 87(2)(b)'s use of a recording device.	
C.POM Laurent Mede	Abuse: Police Officer Laurent Mede questioned § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

### Case Summary

On December 9, 2015, at approximately 12:29 a.m. § 87(2)(b) was transferring trains from the 3 train to the 2 train at the West 135<sup>th</sup> Street station in Manhattan with two of his co-workers, § 87(2)(b) and § 87(2)(b). As § 87(2)(b) transferred from the 3 train to the 2 train on the uptown side, he was about 30 feet away from the turnstiles. § 87(2)(b) never exited the station.

PO Maria Maldonado, of Transit District 3 stopped § 87(2)(b) as he waited for the 2 train (**allegation A**). PO Laurent Mede, also of Transit District 3 was present. PO Maldonado told § 87(2)(b) that she saw him “hop the turnstile.” PO Maldonado asked § 87(2)(b) for his metro card and explained that they would need to go to the downtown side to check his metro card at the station booth.

§ 87(2)(b) checked the metro card details and confirmed that the metro card was used 10 to 15 minutes prior.

After, the metro card was checked by § 87(2)(b) § 87(2)(b) asked both officers for their names and shield numbers. § 87(2)(b) also tried to take a picture of the shields but PO Mede told him he could not take a picture (**allegation B**). § 87(2)(b) instead wrote the shield numbers in the notes section of his phone. § 87(2)(b) said that he would be filing a complaint and PO Mede then asked for his ID (**allegation C**). § 87(2)(b) provided his passport. § 87(2)(b) left after his ID was returned.

§ 87(2)(b) did not receive a summons and was not arrested during the incident.

Video received from the MTA only contained footage of elevators at the station and did not capture any footage with § 87(2)(b) or his co-workers.

### Mediation, Civil and Criminal Histories

Mediation was offered to § 87(2)(b) via phone and in person during his statement. § 87(2)(b) refused mediation § 87(2)(b).

As of February 11, 2016, there were no records to indicate a Notice of Claim had been filed by or on behalf of § 87(2)(b) [01Board Review].

§ 87(2)(g)

### Civilian and Officer CCRB Histories

This is the first CCRB complaint involving § 87(2)(b) [03 Board Review].

This is the first CCRB complaint filed against PO Maldonado during her two year tenure.

This is the second CCRB complaint filed against PO Mede during his seven year tenure with no allegations substantiated against him. The previous complaint # 201311245 features an allegation of refusal to provide name/shield number. The case was closed unsubstantiated.

### Potential Issues

The request for PO Mede’s memo book fly pages is pending.

### Findings and Recommendations

**Allegation A- Abuse of Authority: Police Officer Maria Maldonado stopped § 87(2)(b)**

§ 87(2)(b) a § 87(2)(b)-old Hispanic male, testified that he was transferring from the 3 train to the 2 train at the West 135<sup>th</sup> Street train station at the time of the incident. He was wearing a black jacket, jeans, and a black hat. § 87(2)(b) and § 87(2)(b) were standing and talking as they waited for the 2 train. According to § 87(2)(b) PO Maldonado, who was in uniform, approached him and stated that she saw him “hop the train”. § 87(2)(b) understood it was being alleged that he did not pay his fare to enter the train station. § 87(2)(b) explained that he was transferring from the 3 train and he did not leave the train station at any moment. § 87(2)(b) stated he did not see anyone jump the turnstile. However § 87(2)(b) later told him that he saw someone of Hispanic descent jump the turnstiles [04 Board Review].

§ 87(2)(b) and § 87(2)(b) consistently testified that they were making a transfer, and that § 87(2)(b) did not exit the station or jump the turnstiles. They both stated that they observed another male in the station that was dressed similarly to § 87(2)(b) with a red shirt and black jacket, though they had no interaction with that male and did not see him jump the turnstiles [05 and 06 Board Review].

PO Maldonado testified that she was on the downtown platform when she observed a male wearing a black coat with a red shirt jump the turnstile on the uptown side. Two males followed the individual but she was unable to determine if they also jumped the turnstile. PO Maldonado informed PO Mede of her observation and ran towards the uptown side. PO Maldonado approached § 87(2)(b) and asked why he hopped the turnstile. § 87(2)(b) denied jumping the turnstile. PO Maldonado asked § 87(2)(b) to produce his metro card and explained that it would have to be checked at the station booth located on the downtown side [07 Board Review].

PO Mede testified that PO Maldonado informed him that there was a fare beater. PO Mede did not make the observation as he was not able to see the uptown side from where he was standing. Both officers proceeded towards the uptown side and approached § 87(2)(b) to inquire about jumping the turnstile. They instructed § 87(2)(b) to go to the downtown platform so that his metro card could be verified. He did not recall which of the officers made the request [08 Board Review].

A stop requires reasonable suspicion that the individual has committed, is committing or is about to commit a crime. People V. De Bour 40 N.Y.2d 210 (1976) [09 Board Review].

§ 87(2)(g)  
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**Allegation B- Abuse of Authority: Police Officer Laurent Mede interfered with § 87(2)(b) s use of a recording device.**

§ 87(2)(b) stated that after the metro card was verified by the station agent, § 87(2)(b) tried to take a picture of PO Mede’s shield from two feet away. PO Mede told § 87(2)(b) he was not able to take a picture. § 87(2)(b) then wrote the shield number down in the notes section of his phone [04 Board Review].

PO Mede stated that after the metro card was checked by the station agent, § 87(2)(b) asked to take a picture of both officers. PO Mede refused to allow § 87(2)(b) to take a picture as he was not sure what § 87(2)(b) would pull out of his pocket. PO Mede was concerned for the safety of himself and his partner. PO Mede was asked if he had any reason to believe that § 87(2)(b) was carrying a weapon and PO Mede responded that “I don’t believe anybody is carrying anything. I just do my job.” PO Mede told § 87(2)(b) that he could write it down but could not take a picture. PO Mede did not remember if § 87(2)(b) had the phone in his hand [08 Board Review].

PO Maldonado stated that § 87(2)(b) tried to take their picture with his cell phone. PO Mede told § 87(2)(b) that he could not take a picture but he could write the information down. PO Maldonado saw § 87(2)(b) type the information into his phone [07 Board Review].

MTA Station Agent, § 87(2)(b) was not able to hear the conversation and did not remember if § 87(2)(b) had his phone out or if he took any information down on his phone [10 Board Review].

According to Finest Message serial number 9881632 from August 6, 2014, officers are not permitted to interfere with a person’s use of a recording device whether it is video, audio or photography during a police encounter unless said person is interfering with police operations. Ordering someone to cease recording constitutes police interference [Board Review 11].

§ 87(2)(g)  
[REDACTED]

**Allegation C- Abuse of Authority: Police Officer Laurent Mede questioned** § 87(2)(b)

§ 87(2)(b) stated that after he noted the shield numbers, PO Mede asked him to provide ID. PO Mede told § 87(2)(b) that he needed his ID since § 87(2)(b) mentioned that he would be making a complaint. § 87(2)(b) provided his passport and PO Mede subsequently made notes in his memo book. [04 Board Review].

PO Maldonado stated that after it was verified that the metro card was used at the downtown side, 45 minutes prior. PO Maldonado asked § 87(2)(b) for his ID in order to run a warrant check. § 87(2)(b) did not provide it and PO Mede asked again for the ID. § 87(2)(b) provided a passport ID. The ID was not used to run any checks as § 87(2)(b) was combative and PO Maldonado did not think it was necessary to run it at that moment. Officers were in possession of the ID for about two to three minutes. After providing his ID, § 87(2)(b) asked for the shield numbers of both officers [06 Board Review].

PO Mede did not remember when the ID was requested however, § 87(2)(b) provided a passport to PO Mede on the downtown side. The ID was requested so § 87(2)(b) s information could be added to their memo books [07 Board Review].

MTA Station Agent § 87(2)(b) stated that the metro card was verified to have been used 10-15 minutes prior. § 87(2)(b) subsequently argued with the officers that he paid. MTA Station Agent § 87(2)(b) was unable to hear the conversation word for word but she understood that the officers asked § 87(2)(b) for his ID. § 87(2)(b) provided an ID after some resistance. § 87(2)(b) asked the police officers for their shield numbers and stated he would be making a complaint [10 Board Review].

In *People v. DeBour*, 40 N.Y.2d 210 (1976), the court agreed that an officer can request information, obtain explanatory information, and ask guilt seeking questions from a civilian if the officer has a founded suspicion that a criminal activity is afoot [09 Board Review].

§ 87(2)(g)  
[REDACTED]

§ 87(4-b), § 87(2)(g)  
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

§ 87(4-b), § 87(2)(g) [Redacted]  
[Redacted]  
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Squad: 1

Investigator: \_\_\_\_\_  
Signature Print Date

Squad Leader: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date